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OFFICE OF PETITIONS

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In re Application of :
Rast and Kuhn :
Application No.: 09/511,815 :
Filed: February 24, 2000 :
Attorney Docket No: GR 99 P 4036 :
For: ELECTRO-OPTICAL MODULE :

ON RENEWED PETITIONS

This is in response to the renewed petitions under 37 CFR 1.47(a) and 37 CFR 1.137(b), filed August 31, 2001.

The renewed petition under 37 CFR 1.47(a) is **MOOT**.

The renewed petition under 37 CFR 1.137(b) is **GRANTED**.

The initial petition under 37 CFR 1.47(a) was filed on July 16, 2001, in response to a "Notice to File Missing Parts of Non-Provisional Application" (the "Notice") which indicated that a proper oath or declaration had not been filed and that a surcharge for either a late filing fee or oath or declaration was due and owing. In addition, a petition under 37 CFR 1.137(b) was filed on July 16, 2001, to revive the above-cited application. A decision dismissing both petitions of July 16, 2001, was mailed on August 7, 2001. On August 31, 2001, petitioner filed a renewed petition under 37 CFR 1.47(a) along with a declaration under 37 CFR 1.63 executed by both named inventors and a renewed petition under 37 CFR 1.137(b).

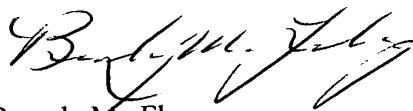
As petitioner has filed a declaration complying with 37 CFR 1.63 for the above-cited application and paid the surcharge, there is no outstanding issue relative to the instant application that could be remedied by a petition filed pursuant to 37 CFR 1.47(a). The renewed petition is, therefore, rendered **moot** by the filing of the declaration.

The filing of the declaration pursuant to 37 CFR 1.63 and payment of the surcharge has satisfied the reply requirement as stipulated by 37 CFR 1.137(b). Therefore, the renewed petition under 37 CFR 1.137(b) is **granted**.

It is noted that the surcharge required when the an oath or declaration compliant with 37 CFR 1.63 is filed late was paid twice. Therefore, a refund of \$130.00 will be issued in due course.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to Kenya A. McLaughlin, Petitions Attorney, at (703) 305-0010.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy